IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4083 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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H M P ENGINEERS LTD & 6 - Petitioner(s)
Versus
REGIONAL PROVIDENT FUND COMMISSIONER - Respondent(s)

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Appearance :
MR BR GUPTA for Petitioner(s) : 1 - 7.
MR JD AJMERA for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 30/11/2006

ORAL JUDGMENT

1.By way of this petition under Article 226 of the Constitution of India, the petitioner – company has challenged the action of the respondents dated 26.7.1997 in making the recovery of the amount of the

Employees Provident Fund.

2. It appears that certain amounts were due and payable to the PF Department for which, orders were passed, however, the same were not paid and therefore, the recovery proceedings were initiated and coercive action was taken.

3. The learned advocates appearing on behalf of the respective parties are absent though the matter is called out twice. While admitting the present Special Civil Application, the learned Single Judge of this Court passed the following order on 12th August, 1997.

> '***Rule.***
>
> ***Mr.Gupta has raised a grievance that he had already deposited a sum of Rs.4,26,000/- and a sum of Rs.1,00,000/- has been deposited by the petitioner with the department today. Despite the orders passed by this Court on 11.6.1997 and 7.7.1997 and despite the pendency of the contempt proceedings coercive steps are being taken through police by the department. Mr.Ajmera submits that he has no definite instructions as on today on behalf of the department. In the facts and circumstances of this case,it is hereby ordered that should the petitioners go on depositing a sum of Rs.1,00,000/- on or before every 10th day of the succeeding months in the department till the realisation of the***

entire due amount no action to the prejudice to the petitioners shall be taken by the respondent or by any other agency including Pandesara Police Station, Surat. Direct service is permitted.'

4.Thus, pursuant to the aforesaid order the petitioner should require to deposit a sum of Rs.1 Lac on or before every 10th day of the succeeding months in the department till the realization of the entire due amount. Thus, the petitioner must have deposited the said amount.

5.Accordingly, this petition is dismissed. Rule is discharged. Ad-interim relief, if any, stands vacated forthwith. No costs.

[M.R.SHAH, J.]

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